



# Flathead County

## Planning & Zoning

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## MEMO

To: Flathead County Planning Board

From: BJ Grieve, Senior Planner

Date: August 26, 2015

RE: FRTA-15-01: Amendment to Flathead County Floodway and Floodplain Management Regulations.

The Flathead County Floodplain and Floodway Management Regulations (Regulations) consist of local requirements for development in the Special Flood Hazard Area (SFHA) that are adopted in conformance with Montana state law, as well as a Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) provided by the Federal Emergency Management Agency (FEMA) that are adopted by reference as part of the Regulations. The Regulations were originally adopted by the Board of Commissioners on August 5, 1984 by Resolution No. 522. Since 1984, from time to time the Regulations have been amended. In 2007 all 72 (at that time) printed FIRM panels were revised as part of the Digital Flood Insurance Rate Map (DFIRM) adoption process. In 2012 Flathead County revised and updated the Regulations to better comply with current state and federal laws. The most recent revision was made in 2013 when Appendix A was added to the Regulations to list the FIS study number, the DFIRM panel numbers and the suffixes and effective dates for each. The 2013 revision also adopted three revised DFIRM panels that had been changed by a Physical Map Revision (PMR) process initiated directly by FEMA. The PMR was the result of a congressional inquiry into the accuracy of floodplain mapping in the Evergreen, MT area.

A separate map update project has also been in the works dating back to 2011 and has recently been completed. On December 6, 2011 the Montana Department of Natural Resources and Conservation (DNRC) held a “kick-off” meeting to inform Flathead County officials about a map maintenance project called “RiskMap” that was being undertaken using funding from FEMA to improve the accuracy of floodplain boundaries. Flathead County was selected by DNRC for use of FEMA’s map maintenance funding because DNRC had already acquired high-quality “LIDAR” topographic data for much of the Flathead Valley in 2009 and the availability of this baseline data allowed DNRC to cover the most ground with limited FEMA funding. The RiskMap project performed new detailed studies of seven areas of Flathead County and refined the boundaries of many existing approximate A Zones in rural Flathead County. The list of areas studied included:

1. 2 miles of Ashley Creek downstream from Dern Road;

2. .5 mile of Swan River upstream from Flathead Lake;
3. 3 miles of Whitefish River from confluence w/ Stillwater upstream to West Reserve;
4. 3 miles of Stillwater River from ½ mile south of Conrad Drive upstream to Whitefish Stage Road;
5. 2.8 miles of West Spring Creek and a West Spring Creek tributary upstream from Meridian Drive;
6. 1.6 miles of Cow Creek upstream from confluence w/ Whitefish River;
7. 4 miles of Whitefish River from Highway 40 upstream to Spokane Avenue, and:
8. Refine Zone A in some areas with higher-quality LIDAR data now available to assist mapping.

In September of 2013, Flathead County was informed that draft preliminary maps and flood data were completed and would be available for review by local officials starting December 03, 2013. A “Sneak-peek” (DNRC’s term, not ours) public informational meeting was scheduled for October 30, 2013 and approximately 350 postcards were mailed to all landowners within or touching areas affected by the seven detailed studies. The informational meeting was held on October 30, 2013 and presentations were made by representatives of DNRC and FEMA to 14 members of the public in attendance.

The formal release of preliminary revised DFIRM panels and FIS occurred on April 22, 2014. Of the 73 (one previously unprinted panel is now a printed panel) printed FIRM panels covering rural Flathead County, 37 were affected by the revisions. Links to copies of the preliminary revised FIRM panels and FIS as well as an interactive mapping website created by FEMA that showed proposed changes were posted to the Flathead County Planning and Zoning Office’s website. Public open houses hosted by officials from FEMA, DNRC and Flathead County, Whitefish and Kalispell were scheduled for May 21<sup>st</sup> in Whitefish and May 22<sup>nd</sup> in Kalispell. Approximately 2,606 postcards with notification of the open house meetings were mailed to all impacted landowners. The open house in Whitefish was attended by 9 members of the public and the open house in Kalispell was attended by 15 members of the public. Presentations were made by local officials and representatives of DNRC and FEMA, and questions were answered.

On July 28, 2014 official notice of “proposed flood hazard determinations” appeared in the *Federal Register*, and notice of the revised FIRM panels and FIS and information about the appeal process appeared in *The Daily Interlake* on September 14, 2014 and September 21, 2014. The second date of publication in *The Daily Interlake* started a 90-day appeal period. During the formal appeal period, no appeals were received.

On April 22, 2015 DNRC sent a letter to the Flathead County Planning and Zoning Office stating that FEMA would soon be issuing a “Letter of Final Determination” establishing the effective date of the revised FIRM panels and FIS. The letter also stated that both FEMA and DNRC must review and approve revisions to the Regulations adopting the revised FIRM panels and FIS. On May 04, 2015 FEMA issued a “Letter of Final Determination” and “Summary of Map Actions” to the Flathead County Commissioners informing Flathead County that “the modified flood hazards and revised map panels...will be effective as of November 4, 2015, and revise the FIRM that that was in effect prior to that date.” In the same letter FEMA informed Flathead County that as a condition of continued participation in the National Flood Insurance Program Flathead County is required to adopt the revised FIRM panels and FIS prior to the effective date of November 4, 2015.

As you are aware, a public hearing has been scheduled for September 09, 2015 before the Flathead County Planning Board to take public comment on adoption of the revised FIRM panels and FIS and solicit a recommendation from the Planning Board to the Flathead County Commissioners. Although there is no statutory role for the Planning Board in revisions to the Regulations, an opportunity for public comment and a recommendation from the Flathead County Planning Board on proposed changes to the Regulations has historically been desired by the Flathead County Commissioners.

General notification of the Planning Board's September 09, 2015 public hearing was added to the Flathead County Planning and Zoning Office web calendar on July 10, 2015. Paper copies of the final revised DFIRM panels and FIS were received by Flathead County on July 27, 2015 and have been available for public inspection since that date. A paper copy of the draft revisions to the Regulations, showing proposed changes to Appendix A was added to the file and has been available for public inspection in the Flathead County Planning and Zoning Office since July 28, 2015. An email containing a copy of the draft revisions to the Regulations, showing proposed changes to Appendix A was sent to FEMA and DNRC requesting review on July 28, 2015, more than 30 days prior to consideration by the Planning Board. A copy of the agenda for the Planning Board's September 09, 2015 public hearing was posted to the Flathead County Planning and Zoning Office's website on August 20, 2015. Legal notice of the Planning Board's September 09, 2015 public hearing on the proposed revisions appeared in the Daily Interlake on August 23, 2015. On August 24, 2015 our office received correspondence from DNRC containing official approval of the proposed revisions to the Regulations.

Paper copies of all 37 revised FIRM panels and the revised FIS are not being mailed to each member of the Planning Board individually, but paper copies are available for inspection in the Flathead County Planning and Zoning Office. Please note that the Flathead County Interactive Mapping Site (IMS) has a convenient interactive layer showing all proposed changes that also distinguishes between areas of "increase," "decrease" and "no change." Attached to this cover letter you will find:

1. A copy of the Flathead County Floodplain and Floodway Management Regulations showing revisions to Appendix A that are necessary to adopt the revised FIRM panels and FIS by November 4, 2015.
2. A copy of a map showing "RiskMap Project Affected Areas" for the Planning Board's reference.
3. A copy of DNRC's April 22, 2015 letter to Flathead County referenced herein.
4. A copy of FEMA's May 4, 2015 "Letter of Final Determination" and "Summary of Map Actions" referenced herein.

Actions by the Flathead County Planning Board and Board of Commissioners will be documented in subsequent addendums to file # FRTA-16-01.